



CJIS EXECUTIVE OFFICE

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April 25, 2019

Sovereign Bodies Institute
MuckRock News
DEPT MR 71728
411A Highland Ave
Somerville, MA 02144-2516
Sent via email: 71728-87754239@requests.muckrock.com

Re: April 15, 2019 Public Records Act Request

Dear Sovereign Bodies Institute:

This letter is in response to your public records request received in the Attorney General's Office on April 15, 2019, in which you sought records pursuant to the Public Records Act (PRA) as set forth in Government Code section 6250 et seq.

Specifically, you requested:

"Basic information on all cases (open and closed) of missing American Indian/Alaska Native persons (including juveniles) within California, from 2000 through 2019; this basic information can include but is not limited to: person name, age, DOB, incident date, case closure date, county/jurisdiction in which person was reported missing."

The Violent Crime Information Center within the Department of Justice (Department) maintains an automated computer system with active file information about missing persons, including information about children and adults. The system was established to assist Law enforcement agencies in responding to reports of missing persons. (Pen. Code, § 14200.) The information is not generally available to the public and therefore is exempt from disclosure pursuant to the PRA. (Pen. Code, § 14200 et seq.; Gov. Code, § 6254, subd. (k), incorporating confidentiality provisions found elsewhere in law.) Furthermore, because the data in this system is collected for investigatory purposes, it is also exempt from disclosure under, subdivision (f) of section 6254, which expressly exempts investigatory and security files of the Attorney General. (See, *Dick Williams v. Superior Court* (1993) 5 Cal.4th 337, 354.) Investigative records do not lose their exempt status due to a failure to prosecute, or the close of an investigation. (Id. at p. 355). The Legislation has, however, designated some limited information that may be provided to non-law enforcement entities. (See Pen. Code, § 14201 [quarterly bulletins to public schools], § 14201.5 [posters to cooperating news media] and § 14201.6 [internet directory].)

As provided for by law, the Attorney General has discretion to determine the extent of information and the priority of cases to be included in the internet directory which is accessible to the public at: <http://oag.ca.gov/missing>. (Pen. Code, § 14201.6.) If available, the following types of information are generally provided: name (first, middle, last), nickname, gender, hair color, eye color, height, weight, date of birth, race, date last seen, agency, and report type (i.e., parental abduction, runaway, etc.)

To the extent that you are seeking statistical data not already available on the Missing Persons website (<https://oag.ca.gov/missing>), the Department does not possess the record that you request. Under the PRA, a public agency is not required to create a new public record, including record comprising statistical data, if it does not already exist. (*Community Youth Athletic Ctr. v. City of National City* (2013) 220 Cal.App.4th 1385, 1430; see *Borom v. Crawford* (7th Cir. 1981) 651 F.2d 500, 501.) The Department responds to this request only with regard to its own records. If you wish to review records in the custody or control of another state or local agency, you should direct your request for records to that agency.

Sincerely,



JAIMIE TACKETT
Manager

For XAVIER BECERRA
Attorney General